

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY
SPECIAL MEETING MINUTES
CITY OF AUBURN LEA HILL AREA ANNEXATION (FILE NO. 2249)
MARCH 15, 2007

The following Minutes are a summary of the Special Meeting for the City of Auburn Lea Hill Area Annexation (File No. 2249).

I. CALL TO ORDER

Michael Marchand, Chair, convened the meeting of March 15, 2007 at 7:10 P.M.

II. ROLL CALL

The following members were present at the Special Meeting and Public Hearing:

Evangeline Anderson	Robert Cook
AJ Culver	Robert George
Lynn Guttman	Claudia Hirschey
Roberta Lewandowski	Roger Loschen

III. INTRODUCTION

Chair Marchand stated that the purpose of the Special Meeting is to conduct deliberations and then to come to preliminary decision in the matter of the proposed City of Auburn Lea Hill Area Annexation (File No. 2249), submitted to the Boundary Review Board in January 2007. The Boundary Review Board is charged with the task of providing independent review and decision-making with respect to applications for municipal annexation.

The City of Auburn has submitted a Notice of Intention proposing to annex approximately 2095 acres of land, known as the Lea Hill Area. The site is located on the northeastern side of the City of Auburn. This annexation was proposed under the election method, pursuant to RCW 35A.14. The Lea Hill Annexation Area property owners are reported to be interested in annexation in order to develop properties under City of Auburn regulations and to receive public services (e.g., sewer services) from Auburn. Auburn City Council adopted a Resolution for annexation in January 2007 in order to support orderly, logical growth of governance and provision of coordinated public services/facilities to the Lea Hill Area.

In conjunction with the transmittal of the Notice of Intention, the City of Auburn invoked jurisdiction seeking a public hearing before the Boundary Review Board in order to provide citizens with an independent venue for assessment of the proposed Lea Hill Annexation.

Further, the City of Auburn Resolution calls for an election to permit the citizens of the Lea Hill Area to ultimately decide whether or not to join the City of Auburn.

Based upon the City of Auburn's invoking of jurisdiction, the Boundary Review Board conducted a public hearing on March 6, 2007 to review the proposed basic Lea Hill Area Annexation. At the completion of public testimony at the March 06, 2007 meeting, the Board made a decision to close the Special Meeting/Public Hearing to public testimony and to maintain the record open to obtain the following documents:

- A King County Zoning Map including an overlay onto the City of Auburn Zoning Map, including the existing City of Auburn and the proposed Lea Hill Annexation Area (City of Auburn); and
- A map of the Valley Regional Fire Authority overlaying maps of Fire Protection District No. 37 and Fire Protection District No. 44 (City of Auburn); and
- Statutory citations relating to prescribed definition of "islands" pursuant to municipal annexations; (Robert C. Kaufman, Special Assistant Attorney General).
- Statutory citations relating to methods for resolution of disputes between annexing municipalities and existing fire districts (Robert C. Kaufman, Special Assistant Attorney General).

These materials were provided by Monday, March 12, 2007 at 12:00 p.m. Board members have received copies of these documents.

Therefore, at this time, the Board may close the public hearing file and proceed to deliberations and preliminary decision-making based upon the complete record for File No. 2249.

The Board is required by statute to will consider the state, regional, and local regulations which guide annexations. The Board may approve the Lea Hill Area Annexation as proposed by the City of Auburn. The Board may adjust the boundaries of the Lea Hill Area Annexation. The Board may deny the entire Lea Hill Area Annexation.

Action: Robert Cook moved and Robert George seconded a motion that the Boundary Review Board proceed to close the record and enter into deliberations and preliminary decision-making for the City of Auburn Lea Hill Annexation (file No. 2249). The motion was adopted by unanimous vote.

IV. DISCUSSION AND DELIBERATION

Chair Marchand invited the Board members to comment upon the proposed annexation. Board members offered the following comments:

- City of Auburn representatives have provided to the Board both written documentation and testimony sufficient for the Board to determine whether the City of Auburn proposal for the Lea Hill Area is consistent with the authorities and criteria established in the State Growth Management Act RCW 36A.70, the King County Comprehensive Plan, the City of Auburn Comprehensive Plan, and RCW 36.93 (Boundary Review Board Act), *et seq.*

Under State Growth Management Act guidelines, King County has designated the entire Lea Hill Area as an Urban Growth Area. The City of Auburn has confirmed this urban designation for the Lea Hill Area in its Comprehensive Plan. Auburn officials have stated that the City is willing to undertake annexation in order to govern and provide services to the Lea Hill Area.

- King County representatives have also provided to the Board both written and oral testimony describing support for the Lea Hill Area Annexation based upon the King County Comprehensive Plan/Countywide Planning Policies.
- Annexation of the Lea Hill Area would be consistent with the statutory authority of the Boundary Review Board (RCW 36.93 – the Board’s Enabling Act.)

For example, the Board members reported that the Lea Hill Area annexation to be consistent with RCW 36.93.170, including (1) Population and Territory; (2) Municipal Services; and (3) Mutual Social and Economic Factors. The proposed action meets and/or advances criteria established in RCW 36.93.170. More specifically:

- RCW 36.93.170 (1) Population and Territory: The City of Auburn has demonstrated that annexation of the entire Lea Hill Area is supported under the City of Auburn Comprehensive Plan which reports that both Lea Hill and the communities in the nearby existing City of Auburn share similar demographic characteristics, land use designations/zoning, land uses, and natural environments (e.g., topography, flora, drainage basins).

The Lea Hill Annexation is reportedly intended to add into the City of Auburn all lands within the Urban Growth Boundary described in jurisdiction’s Potential Annexation Area. For that reason, it is noteworthy that, adjacent to the proposed Lea Hill Area, are two island territories which will not be annexed into the City of Auburn at this time.

Of particular significance is the fact that the Lea Hill Area entirely surrounds a 160-acre island (Verdana). This island is located wholly within the incorporated boundaries of

the City of Kent. The City of Kent has utilized this land as watershed. At present, a portion of the site has been zoned – and slated – for a residential Planned Unit Development. The remainder of the site will remain in open space.

Following the Lea Hill annexation, Verdana will remain an island under the jurisdiction of the City of Kent. However, with the Lea Hill Area Annexation, Verdana will be contiguous to the City of Auburn. Upon achievement of contiguous status, the annexation of the Verdana Island could be accomplished under existing law.

To that end, the City of Kent and the City of Auburn are establishing a plan and an agreement to permit annexation of the area to Auburn at a future time. The transfer is proposed based upon the geographic contiguity of the lands, topographic links (e.g., terrain, water basins); proposed land uses that are consistent to City of Auburn land uses; and service connections (e.g., roadways, emergency services). The City of Auburn/City of Kent agreements and plans provide both for governance and for continuing public services to the Verdana Island.

Further, there is a 9.5 acre area (including a portion of the SR-18 right-of-way) which includes both “Urban” and “Rural” Lands. In order not to bisect the governing authority for the portion of land, it is entirely removed from the Lea Hill Annexation Area. The City and the County have agreed to work to resolve this matter in the near future.

While immediate transition of all Urban Growth Area lands would more comprehensively address RCW 36.93.170, the achievement of the currently proposed Lea Hill annexation, on balance, would demonstrate substantial material progress toward a future anticipated action to add the Verdana Island and the SR-18 Island into the City of Auburn.

- RCW 36.93.170 (2) Municipal Services: The City of Auburn has demonstrated the need for municipal services in the Lea Hill Area. The City has provided the basic plans and confirmation of resources necessary to directly provide – or contract for – all essential public services, including policing, fire protection, emergency medical aid, water, wastewater management, storm water management, and transportation systems. Citizens will have access to local/regional facilities, including schools, human service programs, health service programs, parks and recreation facilities, libraries, and law and justice systems.

It is noteworthy that there will need to be an agreement between the Valley Regional Fire Authority, the agency which will provide future fire services to the Lea Hill Area, and Fire District No. 44 (existing service provider) regarding the transition of fire protection and emergency services within this community.

Pursuant to guidance provided by Robert Kaufman, Special Assistant Attorney General to the Boundary Review Board, the Valley Regional Fire Authority and Fire District No. 44 are provided statutory guidance and authority to directly achieve the necessary transition of assets and resources. The Boundary Review Board is not required by statute to establish, implement, or monitor a transition plan.

- RCW 36.93.170 (3) Mutual Social and Economic Factors: The City of Auburn has demonstrated the mutual social and economic link between the jurisdiction and the adjacent Urban Growth Area identified as Lea Hill. Citizens of Lea Hill utilize facilities in the City of Auburn – including libraries, schools, parks and recreation programs. Citizens shop in Auburn and use professional services (e.g., medical care, personal care) in the City. Sales and business taxes will benefit both communities. Citizens

travel local and arterial roads through the City. Utility services are coordinated under the aegis of a range of regional service providers.

City representatives provided basic fiscal analyses related to the proposed Lea Hill Annexation. The Study particularly emphasized fiscal analyses (including an examination of benefits and costs) attendant upon providing immediate governance and service of the Lea Hill Area.

The Fiscal Study was reported to be based upon a plan to provide Lea Hill citizens with governance services and facilities equivalent to those systems provided to the existing City of Auburn. More specifically, Lea Hill Area residents would be provided basic services, infrastructure, and facilities immediately upon incorporation. Improvements to levels of service would then occur over time as required to meet the needs of the community and as permitted by available resources.

The City has determined that public facilities and services are currently sufficient to serve both the existing City of Auburn and the Lea Hill community both upon annexation and into the near-term future.

The City must also govern parks, surface water management facilities, ground water facilities, and other similar facilities.

Further, the Lea Hill Area Annexation is proposed under a framework established through an Interlocal Agreement between the City of Auburn and King County. The Interlocal Agreement establishes a commitment by the County to provide the City of Auburn funding in the amount of \$1.125 million for facilitation of transition of service responsibilities from King County to the City of Auburn and \$450,000 for roadway improvements.

For the present and the near-term future, the Fiscal Analyses demonstrate that City resources (\$2,056,000), in combination with State of Washington allocations (\$1,295,100.) will enable the City to fund annexation and service to the Lea Hill Area without a significant impact to cost of services and adequacy of services, financial structure, debt structure, or rights of other governmental units.

The City reports a commitment to conducting substantial and detailed analyses of capital improvements that are anticipated to be required over time (e.g., arterial road improvements) to ensure that the citizens of the entire jurisdiction receive quality services.

The information available in the Fiscal Study does provide reasonable assurance that existing and anticipated municipal funds, together with King County Initiative funds, will provide sufficient resources to assure service to the Lea Hill Area in a manner that will address impacts on cost and adequacy of services, finances, debt structure, and rights of other governmental units.

King County Comprehensive Plan policies further establish the Lea Hill Area for governance by the City of Auburn based upon social and economic connections.

- Further, the proposed action meets and/or advances the relevant criteria established in RCW 36.93.180. More specifically

Objective 1 Preservation of Natural Neighborhoods:

The Lea Hill Area Annexation will preserve an existing, well-defined neighborhood. Lea Hill is linked to Auburn by social fabric (e.g., similar land uses and open spaces, shared sense of community) and by natural/built geographic features (e.g., Lea Hill terrain). The inclusion of a sizeable area and population serves to create a coordinated community and address the Growth Management Act goals which support local governance by municipal jurisdictions.

The proposed Lea Hill Area Annexation would be consistent with the City of Auburn Comprehensive Plan Policies, including those provisions relating to community growth, land use/development, service provision, and mutual social and economic benefits.

Annexation would permit the City of Auburn to establish land use designations and zoning standards for Lea Hill. Under City of Auburn regulations, the Lea Hill Area would be proposed to continue as a predominantly residential community with designations and zoning similar to that existing under King County. The City of Auburn is prepared to provide development review and environmental review (e.g., protection of slopes, sensitive areas, and stormwater management) to the Lea Hill Area based upon local, regional and state regulations which support the preservation of this community.

Objective 2 Use of Physical Boundaries:

The proposed Lea Hill Area Annexation is contiguous to the northeastern border of the City of Auburn. Other Lea Hill boundaries are formed by the Urban Growth boundary line and the Green River Corridor. Although the Lea Hill Area possesses a rather unusual configuration, the lands within these borders are specifically established for annexation by Auburn under the City of Auburn Comprehensive Plan (approved by the State of Washington.)

Objective 3 Creation and preservation of logical service areas:

The Lea Hill Area Annexation would also reportedly be consistent with Objective 3, which calls for creation of logical service areas. The City can provide either directly or by contract for policing, fire protection, water, storm water control, sewers, parks, and other public facilities/amenities. For example:

- The City of Auburn will contract with the Valley Regional Fire Authority, formed in 2006, to provide fire protection and emergency services. Services benefits and costs management have been designed based upon currently available municipal funding and future funding as projected in a fiscal analysis.
- The City of Auburn will provide for storm water management. The City will coordinate stormwater services in keeping with King County standards. Specific systems/facilities will be designed to address both the natural environment (e.g., basins, terrain) and the built environment (e.g., structures, roadways). The City will consider creating public amenities to simultaneously serve as storm water management tools. Stormwater management systems will be designed and maintained by professional staff and will be financed through existing stormwater management funds.
- City parks, recreation facilities, libraries and other community services would be available to the citizens of the Lea Hill Area. The City currently owns/has responsibility for local and regional parks under the City Comprehensive Parks Plan.
- Children would continue to attend schools in Auburn School District No. 408 or Kent School District No. 415.
- Local streets are fully operational and well-maintained by the City of Auburn. Existing funds in the Capital Improvement Plan budget are anticipated to be sufficient to continue to manage these roadways.
- Arterial roadways (including streets, storm water drains, and other right of way features) are anticipated to require \$30 million for upgrades and maintenance. Funding is planned from King County Annexation Initiative fees, grants, development impact fees and other sources. City officials acknowledge that funding may not permit immediate improvements to these facilities. However, the City will plan diligently for funding and implementation of design, construction, and maintenance of arterial roadways.

Comment was made concerning particular circumstances relating to fire protection and emergency medical services for the Lea Hill Area. More specifically, Lea Hill is slated to be served by the Valley Regional Fire Authority (VRFA) which was formed in 2006 by an election of the citizens of Auburn, Pacific, and Algona. The VRFA is funded by voter-approved property taxes provided via the three client cities.

Lea Hill is currently served by Fire Protection District No. 44, which is planned to be incorporated into VRFA. Representatives of VRFA and Fire District No. 44 have reported that the necessary agreements to achieve transfer of assets and personnel have not yet been achieved. On that basis, Fire District No. 44 has requested that the Boundary Review Board either deny the annexation or impose conditions that require the establishment of such an agreement.

Utilizing guidance concerning existing statutory mandates, as provided by Robert Kaufman, Special Assistant Attorney General to the Boundary Review Board, Board members find that sufficient, specific statutory directions exists to enable the VRFA and Fire District No. 44 to achieve an agreement independent of action by the Boundary Review Board. On that basis, Board members, therefore, agree to refer the task of achieving an agreement to the VRFA and Fire District No. 44.

City officials have demonstrated that provision of public services to the Lea Hill Area would be improved by placing the entire area under a single municipal jurisdiction.

Objective 4 Prevention of Abnormally Irregular Boundaries:

The proposed boundaries of the Lea Hill Area are not geometric in form; however, these boundaries do provide regularity based upon the fact that the borders of the Lea Hill Area are consistent with the Auburn Potential Annexation Area. Similarly, the Lea Hill Area boundaries coincide with the established Urban Growth Area boundary and with the duly approved incorporated boundaries of the City of Kent.

Note is made of the fact that the exclusion of the Verdana Island from the Lea Hill Area Annexation results from – and continues – an existing anomaly in that the territory is within the City of Kent. Existing and planned agreements will reportedly lead to a near-term transfer of the Verdana Island to the City of Auburn. Similarly, the SR-18 Island will need to be annexed to the City of Auburn when planned adjustments to the Urban Growth Area boundary are achieved (likely in 2008).

Objective 5 Discouragement of Multiple Incorporations:

Both the State Growth Management Act and the King County Comprehensive Plan encourage governance of urban areas by local jurisdictions. Annexation to achieve local governance is preferred over incorporation of new communities.

Annexation of Lea Hill to the City of Auburn would, therefore, be consistent with this criterion.

Objective 7 Adjustment of Impractical Boundaries:

The proposed Lea Hill Area comprises a sizeable area of unincorporated land. Annexation of this territory would create more reasonable and practical boundaries for governance and service.

Objective 8 Incorporation of Areas Which Are Urban in Character:

The Lea Hill Area Annexation would also reportedly be consistent with Objective 8, which calls for inclusion of urban areas within municipalities. Further, annexation would permit citizens to affiliate with a local government and thus to participate in the governing process.

Coordinated governance and services should immediately benefit Lea Hill Area citizens. Further, upon annexation of the Lea Hill Area, citizens will be notified of – and be invited to participate in the creation of – plans for (and attendant limitations related to) future improvements to the community.

In sum, the annexation of Lea Hill to the City of Auburn is determined to meet and advance the statutory mandate established under RCW 36.93, RCW 36A.70, the King County Comprehensive Plan, the City of Auburn Comprehensive Plan, and other applicable state, regional, and local standards.

V. CONCLUSION

At the close of discussion, Chair Marchand called for a motion for a preliminary decision with respect to the Lea Hill Area Annexation.

Action: Roger Loschen moved and A.J. Culver seconded a motion that the Boundary Review Board approve the annexation to the City of Auburn of the Lea Hill Area (2095 acres) and direct staff to prepare Resolution and Hearing Decision for presentation to the Boundary Review Board. The Resolution and Hearing Decision shall be presented to the Boundary Review Board for final action in April, 2007. The motion was adopted by a unanimous vote.

VI. ADJOURNMENT

Action: Roger Loschen moved and Bob George seconded a motion to adjourn the Boundary Review Board Special Meeting. The Board voted unanimously in favor of the motion. The meeting was adjourned at 8:10 P.M.